

**Office of Workers' Compensation Programs, Labor****\$ 10.715**

(R) Refund to the United States (Line p minus Line q) .....	\$70,000.00
(S) Credit against future benefits (If Subtotal F is greater than refundable disbursements, Line n minus Line o) .....	\$154,280.00

(ii) For the survival claim the calculation is as follows:

(A) Gross Recovery .....	\$1,000,000.00
(B) Amount of Property Damage .....	\$0.00
(C) Subtotal A (Line a minus Line b) .....	\$1,000,000.00
(D) Amount Allocated for Loss of Consortium (25% (15% for spouse, 5% for each child) of Line c) .....	\$250,000.00
(E) Subtotal B (Line c minus Line d) .....	\$750,000.00
(F) Amount Allocated for Wrongful Death 65% of Line e .....	\$487,500.00
(G) Amount Allocated for Survival Action 35% of Line e .....	\$262,500.00
(H) Subtotal C—If Wrongful Death Use Line f, if survival action use Line g, otherwise use Subtotal B .....	\$262,500.00
(I) Attorney's Fees 30% (line h $\times$ .30) .....	\$78,750.00
(J) Subtotal D (Line h minus Line i) .....	\$183,750.00
(K) Court costs are reduced by the amount allocated for the loss of consortium (in this example, $.25 \times \$48,000 = 12,000$ ) and then by the amount allocated for wrongful death, $[(48,000 - 12,000) \times .65 = 23,400]$ , $[48,000 - 12,000 - 23,400]$ .....	\$12,600.00
(L) Subtotal E (Line j minus Line k) .....	\$171,150.00
(M) One-fifth of Subtotal E (Line l $\times$ .20) .....	\$34,230.00
(N) Subtotal F (Line l minus Line m) .....	\$136,920.00
(O) Refundable Disbursements .....	\$30,000.00
(P) Subtotal G (lower of Subtotal F or refundable disbursements) .....	\$30,000.00
(Q) Government's allowance for attorney's fees (attorney's fees percentage used to determine Subtotal D multiplied by subtotal G) .....	\$9,000.00
(R) Refund to the United States (Line p minus Line q) .....	\$21,000.00
(S) Credit against future benefits (If Subtotal F is greater than refundable disbursements, Line n minus Line o) .....	\$106,920.00

**§ 10.713 How is a structured settlement (that is, a settlement providing for receipt of funds over a specified period of time) treated for purposes of reporting the gross recovery?**

In this situation, the gross recovery to be reported is the present value of the right to receive all of the payments included in the structured settlement, allocated in the case of multiple recipients in the same manner as single payment recoveries.

**§ 10.714 What amounts are included in the refundable disbursements?**

The refundable disbursements of a specific claim consist of the total money paid by OWCP from the Employees' Compensation Fund with respect to that claim to or on behalf of a FECA beneficiary including charges for field nurses, vocational rehabilitation, and second opinion and referee physicians, less charges for any medical file review (*i.e.*, the physician does not ex-

amine the employee) done at the request of OWCP. Charges for medical examinations also may be subtracted if the FECA beneficiary establishes that the examinations were required to be made available to the employee under a statute other than the FECA by the employing agency or at the employing agency's cost. Requests for disbursements can be made to SOL or OWCP.

**§ 10.715 Is a beneficiary required to pay interest on the amount of the refund due to the United States?**

If the refund due to the United States is not submitted within 30 days of receiving a request for payment from SOL or OWCP, interest shall accrue on the refund due to the United States from the date of the request. The rate of interest assessed shall be the rate of the current value of funds to the United States Treasury as published in the FEDERAL REGISTER (as of the date the request for payment is sent). Waiver of the collection of interest shall be